



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

DEC 8 2003

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Peter Nopper
ForeTech
The RxFire Company
335 Palo Verde Drive
Leesburg, FL 34748

Reference No.: 03-0256

Dear Mr. Nopper:

This is in response to your letter concerning the small quantity exceptions under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask if a small quantity (29 g) of a Division 4.1 flammable solid packaged in metal foil meets the provisions of § 173.4(a)(2)(ii). In a subsequent conversation with a member of my staff, you stated you plan to wrap the fused flammable solid, which is cylindrical in shape, in foil with the overlap securely taped and the ends crimped.

It is the opinion of this office, that the packaging you describe is an acceptable inner packaging for a small quantity of fused flammable solid, provided the foil is securely closed to prevent the escape of any material.

I trust this satisfies your inquiry.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



030256

173.4

FORESTECH

335 PALOVERDE DRIVE LEESBURG FL 34748

Corbin
§173.4(a)(2)(ii)
Exceptions for
Waste

03-0256

October 9, 2003

Edward Muzzullo
Office of Hazmat Standards
USDOT-RSPA, DHM-10
400 7th. St. SW
Washington DC 20590

Re: Clarification of 49 CFR 173.4 (a) (2) (ii)

Dear Mr. Muzzullo,

In a recent phone conversation with an Information Specialist regarding the above ("Is constructed of plastic having a minimum thickness of no less than 0.2 mm (0.008 inch), or earthenware, glass, or metal;"), as no dimension is given for an inner receptacle constructed of metal, he indicated that a metal foil would meet the requirement. However, as Dr. Cushman has noted, sometimes things get lost between the cup and the lip. Consequently I am contacting your office for a written verification of this. We wish to ship a Class 3, Division 4.1, fused flammable solid to the U.S. Forest Service and other qualified fire fighting agencies. Thank you for your clarification.

Sincerely,



Peter Nopper
The RxFire Company, dba Forestech
352-360-1114
forestech@rxfire.us